IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	Richard T. Gregory	
SERIAL NO.:	10/749,525	
FILED:	December 31, 2003	**CERTIFICATE OF DEPOSIT**
CONFRM. NO.:	8830	DATE OF DEPOSIT: **September 11, 2008**
FOR:	SYSTEM AND METHOD FOR DISTRIBUTED PRINTER PROCESSING	I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being electronically deposited using EFS Web with the United States Patent Office on the date indicated above.
ART UNIT:	2625	/Steve M. Perry/
EXAMINER:	Hilina S. Kassa	**Steve M. Perry**
DOCKET NO:	200208692-1	

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Appeal Brief – Patents

Sir:

Appellant submits this Reply Brief in response to the Examiner's Answer

mailed on July 14, 2008 in connection with their appeal from the final rejection of the

Patent Office, sent on February 11, 2008, in the above-identified application. This

Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date

of the Examiner's Answer.

STATUS OF CLAIMS

Claims 1-31 remain pending. Claims 1-31 were rejected by the Examiner. The claims on appeal in this application are claims 1-31.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented for review are:

a. Whether claims 1-11, 15-25, and 28-30 are anticipated under 35 U.S.C. § 102(e)

by Barry et al. (US Patent Number 7,099,027); and

b. Whether claims 12-14 and 26-27 are patentable under 35 U.S.C. § 103(a) over

Barry in view of Shima (US Publication Number 2004/0158654 A1).

ARGUMENT

A.   Examiner's Answer

In the Examiner's Reply Brief mailed on July 14, 2008, the Examiner has asserted new arguments with regards to the 35 U.S.C. § 102. Specifically, the Examiner asserts that Barry discloses the "assembling of print engine-ready data segments" and the "printing of the assembled plurality of print engine-ready data segments at a target printer" (Sec. 10, Response to Argument, Examiner's Answer Brief, pages 17-18). Responses to this argument and other arguments regarding the independent claims under 35 U.S.C. § 102 are given below in section (B). Section (C) provides a response to the Examiner's arguments regarding dependent claim 10 of the present application under 35 U.S.C. § 102.

B. Appellant's Argument Regarding Independent Claims

In response to argument (a) of the Examiner's "Response to Argument", the Examiner fails to define the type of electronic file or properties of the electronic file being combined in Barry (Sec. 10, Response to Argument, Examiner's Answer Brief, pages 17-18). All electronic files are not equivalent. The Barry PDL file is a pre-RIPPING file. In contrast, the print engine-ready data segment of the present invention is a post-RIPPING file. The differences between a PDL file and print engine-ready data segment have been articulated in the Appeal Brief. The Examiner asserts the PDL file gets assembled and processed. **However, the processing in Barry, which includes both RIPPING and printing, occurs after the assembly process.**

The new Barry citation asserted by the Examiner does not describe assembling a post-RIPPING file as set forth in the independent claims, i.e. claim 1 (Barry, column

27, lines 50-56). "The program then flows to a function block 2314 to assemble the command string for the stored PDL file … and then flows to a function block 2316 to combine the PDL file and the command string. This combined command string/PDL job is then sent to the destination device, as indicated by a function block 2318" (Barry, column 27, lines 50-56).   The destination device provides the RIP and print processing. In addition, the Barry citations asserted by the Examiner describing the RIPPING process fail to disclose assembling after RIPPING (Barry, column 5, lines 41-49; column 9, lines 49-54). A PDL file is not synonymous with a print-ready data segment, thus a combination of a command string with a PDL file cannot describe the "assembling of print engine-ready data segments" of claim 1.

In response to argument (b), Examiner fails to define the properties of the print job output 164 in Barry FIG. 1b (Sec. 10, Response to Argument, Examiner's Answer Brief, page 18). The Barry merged print job output is paper or a physical print medium, because both the merge 162 and the print job output 164 follow the print step 150, 152, and 154. Implicit in printing is a resulting tangible medium. In contrast, the print engine-ready data segments of the present invention are electronic and are used by a print engine to create a printed image on a print medium.

In addition, Barry states that processing (RIPPING and printing) is performed by parallel processes. "The print job which was **segmented** or partitioned by instruction operator 114 for **processing** according to separate processes in a plurality of parallel sections of the print system illustrated in FIGS. 1a and 1b" (Barry, column 4, line 67-column 5, line 4). Processing is never combined after the print job is distributed to a plurality of printers. Thus, Barry's merging of the print medium (print job output) is simply collating the print media together, and does not describe "printing of the assembled plurality of print engine-ready data segments at a target printer" of claim 1.

Argument (c) has already been discussed in the Appeal Brief and this Reply (Sec. 10, Response to Argument, Examiner's Answer Brief, page 18).

In response to argument (d), The Examiner asserts that print data has already been processed or RIPPED before the assembling process (Sec. 10, Response to Argument, Examiner's Answer Brief, page 19). The Barry print job is both RIPPED and printed 150, 152, and 154 before the paper or print medium is assembled (Barry, column 5, lines 4-10). In Barry, the RIPPING and printing processes for a segment are performed by the same printing device. Barry does not separate the RIPPING and printing processes. In contrast, claim 1 of the present invention separates the RIPPING and printing processes by having multiple printers RIP print job segments, and using a single printer to print the print job from the combined engine-ready data segments received from the other printers. Barry does not disclose, teach, or suggest the functionality of claim 1. As presented in the Appeal Brief, "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.* 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Thus, Barry does not disclose the "assembling of print engine-ready data segments" and the "printing of the assembled plurality of print engine-ready data segments at a target printer" as in claim 1.

C. Appellant's Argument Regarding Dependent Claims

In response to argument (f), The Examiner asserts that "the job distributor 1904 send[ing] the segments of data to the virtual printer 2404" in Barry is similar to "sending the plurality of print engine-ready data segments from the print distribution module to the target printer" as in dependent claim 10 (Sec. 10, Response to Argument, Examiner's Answer Brief, page 20). First, the job distributor 1904 does

not assemble print engine-ready data segments, which has been discussed in the Appeal Brief. Second, the virtual printer 2406 further separates the print job and prints the print job on separate marking engines, and never merges the print job into a single printer. "The virtual print engine is … essentially a multi-print engine that has associated therewith its own job distributor 2406. This job distributor 2406 is operable to receive the PDL file and its associated command string and RIP the page into its appropriate pages and then route the pages to a plurality of marking engines 2408" (Barry, column 28, lines 2-9). Thus, Barry does not disclose or suggest "sending the plurality of print engine-ready data segments from the print distribution module to the target printer" as in dependent claim 10. Arguments (e) and (g) have already been discussed in the Appeal Brief and this Reply (Sec. 10, Response to Argument, Examiner's Answer Brief, pages 19-20).

Therefore, in view of the information above, Appellant respectfully submits that independent claims 1, 18, 30, and 31 present patentable subject matter, and that the rejection of these claims should be overturned. Furthermore, Appellant also submits that dependent claims 2-17, and 19-29 should be overturned for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claim is allowable. Thus, the rejection of dependent claims 2-17, and 19-29 should also be overturned.

The remaining arguments detailed in the Examiner's Answer are adequately discussed in the Appellants' Appeal Brief.

CONCLUSION

Appellant respectfully submits that the claims on appeal set forth in the Appendix of Appellant's Appeal Brief are patentably distinct from the asserted prior art references. Particularly, the Barry reference does not teach every aspect of the claimed invention within the meaning of 35 U.S.C. § 102(e). Appellant further contends none of the asserted combinations of references motivates, teaches, or suggests one of ordinary skill in the art within the meaning of 35 U.S.C. § 103(a) to arrive at the presently claimed invention. Appellant contends that Barry in combination with Shima fails to teach each and every element of the claimed invention.

For these reasons, Appellant respectfully requests that the Board of Appeals reverse the rejection and remand the case to the Examiner for allowance.

No fee is required for filing of this Reply Brief.

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Dated this 11th day of September, 2008:

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